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IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

LI YING HUA, LI ZHENG ZHE and XU JING JI,) CASE NO. CV 05-0019

Plaintiffs,)

vs.)

PLAINTIFFS' CASE MANAGEMENT
CONFERENCE STATEMENT

JUNG JIN CORPORATION, a CNMI corporation,)
ASIA ENTERPRISES, INC., a CNMI corporation,)
PARK HWA SUN, KIM HANG KWON,)
KSK CORPORATION, a CNMI corporation,)
and KIM KI SUNG,)

Defendants.)

Date: November 16, 2007
Time: 8:30 a.m.
Judge: Hon. Alex R. Munson, Chief Judge

COMES NOW, Plaintiffs LI YING HUA, LI ZHENG ZHE and XU JING JI, by and through
their attorney, pursuant to LR 16.2CJ(e)(2) with their Case Management Conference Statement:

A. Service of process on parties not yet served

1. Judgment was rendered against Defendants Jung Jin Corporation, Asia Enterprises, Inc., Park Hwa Sun and Kim Hang Kwon on August 24, 2006.
2. Defendants KSK Corporation and Kim Ki Sung were served on October 12, 2007.
3. Defendants KSK Corporation and Kim Ki Sung answered the Second Amended Complaint on October 22, 2007.
4. All parties have been served with process.

1 **B. Jurisdiction and Venue**

2 1. This Court has subject matter jurisdiction over Plaintiffs' FLSA claims pursuant to 28
3 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1337(a) (proceedings arising under any Act
4 of Congress regulating commerce).

5 2. This Court also has subject matter jurisdiction under the FLSA, 29 U.S.C. § 216(b), to
6 adjudicate Plaintiffs' claims.

7 3. All Defendants have filed their answers in the case submitting to the personal jurisdiction
8 of this Court.

9 4. Venue is properly placed in this Court as at all relevant times Plaintiffs were employees of
10 Defendants residing and doing business in Saipan, Commonwealth of the Northern Mariana Islands,
11 all of Plaintiffs' claims arise out of their employment with Defendants in Saipan, and claims of
12 fraudulent conveyance of property involve property all or substantially all of which is located in
13 Saipan.

14 **C. Track assignment**

15 Plaintiff recommends the **Expedited Track** assignment.

16 **REASONS:**

- 17 1. The issues in this case are few and clear.
18 2. A substantial amount of discovery has already been completed.
19 3. There are few real parties in interest at this stage of the litigation.
20 4. Plaintiffs expect that they will need few fact witnesses to prove their case.
21 5. Plaintiffs do not anticipate the need for expert witnesses.
22 6. The trial in this case will likely take a day or two.
23 7. This case has some suitability for alternative dispute resolution.
24 8. The character and nature of damage claims are routine, not fixed, but the calculation of
25 damages in this case should be straight forward and should not involve expert testimony.
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D. Anticipated motions

1. Motion to Strike Affirmative Defenses
2. Various Discovery Motions
2. Motion for Summary Judgment

E. Discovery

Anticipated discovery:

1. Interrogatories to and from defendants KSK and Kim Ki Sung.
2. Requests for production of documents to and from defendants KSK and Kim Ki Sung.
3. Requests for Admissions to and from defendants KSK and Kim Ki Sung.
4. Depositions: Plaintiff tentatively anticipates that he will depose the following individuals:
 - a. KSK Corporation pursuant to Rule 30(b)(6);
 - b. Kim Ki Sung; and
 - d. Kim Sung Eun.

Limitations on discovery: None.

F. Further proceedings

See Section K below.

G. Special procedures.

No special procedures are required.

H. Modifications of standard pre-trial procedures.

No modification is requested at this time.

I. Settlement prospects

Plaintiffs, through the undersigned, have communicated to Defendants' counsel on several occasions that they are willing to consider a settlement in this matter, though no serious settlement discussions have ever commenced. Plaintiffs remain willing to consider alternatives to litigation.

J. Other matters

ISSUES: [very generalized and not intended to limit or define Plaintiffs' issues trial].

1 1. Determination of the hours per week Plaintiffs performed work for Defendants.
2 2. Determination of Plaintiffs' joint employment by all Defendants.
3 3. Determination of Plaintiffs' applicable "regular rate" of pay as the term is defined in 29 U.S.C.
4 § 207(e) and used to determine Plaintiffs' overtime premium due pursuant to the terms of the Fair
5 Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*

6 4. Determination of the amount of liquidated damages to which Plaintiffs are entitled.
7 5. Determination of the liability of KSK and Kim Ki Sung as successors to the businesses of the
8 original defendants.

9 6. Determination of the badges of fraud with regard to the fraudulent conveyance by the original
10 defendants of all of their operating assets to defendants KSK and Kim Ki Sung.

11 **K. Setting of dates**

12 1. Motions to amend:	January 4, 2008
13 2. Discovery service cut-off:	February 28, 2008
14 3. Discovery motions hearing date:	April 4, 2008
15 4. Status conference:	April 4, 2008
16 5. Dispositive motion hearing date:	May 8, 2008
17 6. Joint pretrial order:	May 26, 2008
18 7. Final pretrial conference:	June 2, 2008
19 8. Trial:	June 9, 2008

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1 DATED this 9th day of November, 2007.
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3 /s/ Mark B. Hanson

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 MARK B. HANSON

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12 Attorney for Plaintiffs
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing will be deposited in the United States Post Office, first class mail, postage prepaid, addressed to the following:

Jung Jin Corporation
P.O. Box 503428
Saipan, MP 96950
(670) 235-4321

Park Hwa Sun
P.O. Box 503428
Saipan, MP 96950
(670) 235-4321

Asia Enterprises Inc.
P.O. Box 503448
Saipan, MP 96950
(670) 235-4321

Kim Hang Kwon
P.O. Box 503448
Saipan, MP 96950
(670) 235-4321

I further certify that the following were served with a copy of the foregoing via the Court's electronic case filing system and via e-mail:

G. Anthony Long
Kelley M. Butcher
LAW OFFICES OF G. ANTHONY LONG
P.O. Box 504970
Saipan, Mariana Islands 96950
E-mail: gal@nmilaw.com
kmb@nmilaw.com

DATED: November 9, 2007

/s/ Mark B. Hanson

MARK B. HANSON